

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, an extension of the term of the franchise of Comcast Cablevision of the District, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Approval of the Extension of the Term of Comcast Cablevision of the District, LLC's Franchise Emergency Act of 2001".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Cable Television Act" means the Cable Television Communications Act of 1981.
- (2) "CFA" means the Cable Franchise Agreement entered into by the District of Columbia and DCLP, as amended September 30, 1985.
- (3) "Chairman" means the Chairman of the Council of the District of Columbia.
- (4) "Comcast DC" means Comcast Cablevision of the District, LLC, a District of Columbia corporation, a wholly owned subsidiary of Comcast Cablevision of the South, Inc.
- (5) "Council" means the Council of the District of Columbia.
- (6) "DCI" means District Cablevision Inc.
- (7) "DCLP" means District Cablevision Limited Partnership.
- (8) "District" means the District of Columbia.
- (9) "Franchise" means the non-exclusive right granted to operate a cable television system in the District of Columbia pursuant to the District of Columbia Cable Television Franchise Award Act of 1984, the Cable Television Act and other applicable law, and subject to the terms and conditions of the CFA.
- (10) "Franchisee" means Comcast Cablevision of the District, LLC or Comcast DC.
- (11) "Franchise Extension Agreement" means the agreement between the

District of Columbia and the Franchisee which sets forth the terms and conditions regarding the Franchise extension.

(12) "OCTT" means the District of Columbia Office of Cable Television and Telecommunications, established in section 6 of the Cable Television Act.

Sec. 3. Findings.

The Council finds that:

(1) Comcast DC currently holds a Franchise from the District, subject to the CFA, Cable Television Act, and other applicable law.

(2) The Franchise was scheduled to expire on March 14, 2000, but was extended in the Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000.

(3) Pursuant to the District of Columbia Television Franchise Award Act of 1984, the District granted to DCI a 15-year, revocable Franchise to construct, reconstruct, operate and maintain a cable television system within the District and incorporated the CFA within the grant of the Franchise.

(4) Pursuant to the Cable Television Franchise Agreement Modification Act of 1985, the District amended the CFA and approved assignment of the Franchise to DCLP, of which the general partner was DCI and of which the limited partner was an affiliate of Tele-Communications, Inc.

(5) Pursuant to the Approval of the Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc. to AT&T Corporation Act of 2000, the District approved a transfer of control of Tele-Communications, Inc. the parent company of TCI of D.C., Inc., which was the limited partner of DCLP, to AT&T Corporation and approved transfer of control of the Franchise to AT&T.

(6) Pursuant to the Approval of the Transfer of Control of District Cablevision, Inc. to AT&T Corp. Act of 2000, the District approved a transfer of control of DCI to AT&T.

(7) Pursuant to the Approval for Transfer of the Franchise and the Cable Television System of District Cablevision Limited Partnership from AT&T Broadband, LLC to Comcast Cablevision, LLC Emergency Act of 2000, the District transferred the operation and the control of the Franchise to Comcast Cablevision, LLC and Comcast DC.

(8) The Council believes that it would be in the best interest of the District and District residents to extend the term of the Franchise until March 14, 2002 in order to permit the parties to attempt to negotiate a franchise renewal agreement, in order to permit conclusion of the franchise renewal negotiations and permit action by the Council on any proposed renewal of the Franchise.

(9) On ___, 2001, Comcast DC and the District entered into a Franchise Extension Agreement which set forth the terms and conditions of the Franchise extension,

subject to Council approval.

(10) Based on the promises contained in the Franchise Extension Agreement and the interests of the District and Comcast DC in extending the term of the Franchise in order to permit the parties to attempt to negotiate a franchise renewal agreement, OCTT has recommended that the Council approve the extension of the Franchise term.

Sec. 4. Consideration of recommendation.

The Council has reviewed the recommendation of OCTT.

Sec. 5. Adoption of recommendation.

Pursuant to authority granted under the Cable Television Act, the Council hereby adopts the recommendation of the OCTT regarding the proposed Franchise Extension.

Sec. 6. Approval.

By adoption of the recommendation, the Council hereby grants an extension of the Franchise until March 14, 2002.

Sec. 7. Authorization to sign.

This act authorizes the Chairman of the Council to sign, on behalf of the Council, the Franchise Extension Agreement, referred to herein, and approved by this act.

Sec. 8. Local and minority participation.

OCTT shall, when negotiating the grant or renewal of a cable television or open video system franchise, advocate the substantial representation of local and minority residents in the management, operation, employment, and ownership of the cable television or open video system franchise. OCTT shall include in its model franchise agreement at least the following provisions: that over 65% of the employees of the franchisee be District residents; that over 65% of the franchisee's contracting and procurement (in dollar amount) be with local, small, and disadvantaged business enterprises; that over 65% of both managerial and supervisory employees of the franchisee be District residents and that at least 50% of those District residents be economically disadvantaged individuals, as that term is defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1999 (D.C. Law 12-268; D.C. Code § 1-1153.1); that a local board be established or maintained by the franchisee to oversee the operation of the District franchise and that the board be comprised of over 65% District residents and that at least 50% of those District residents be economically disadvantaged individuals, as that term is defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1999 (D.C. Law 12-268; D.C. Code § 1-1153.1).

Sec. 9. Fiscal impact statement.

The attached fiscal impact statement as provided by the Office of the Chief Financial Officer is the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 10. Applicability date.

This act shall apply as of March 14, 2001.

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto) and approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and shall remain in effect for no longer than 90 days, beginning on March 14, 2001, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-229(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia